

REMARKS

Reconsideration of the instant application is respectfully requested. The present submission is responsive to the Office Action of August 6, 2008, in which claims 1-5 and 11-20 are presently pending. Of those, claims 1-5 and 11-20 are now rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 7,065,706 to Sankar, in view of U.S. Patent Publication 2004/0054744 of Karamchedu, et al. For the following reasons, however, it is respectfully submitted that the application is now in condition for allowance.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that (1) all elements of the claimed invention are disclosed in the prior art; (2) that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references; and (3) that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Thus, under the first element, to establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

In the present Office Action, the Examiner indicates that Sankar does not explicitly teach that semantic type information included in a SOAP message header describes at least a portion of the content of the SOAP message body so as to enable a receiver to interpret and process the content of the SOAP message body using the meta-data and semantic type information included in the SOAP message header, thereby facilitating a dynamic exchange of semantic type information and meta-data information for open content message exchange between a sender and the receiver. Thus, in asserting §103 rejection of the pending claims, the Examiner additionally turns to the Karamchedu reference (U.S. Patent Publication 2004/0054744, not U.S. Patent 6,345,351 as stated in paragraph 3, page 2 of the Office Action) as purportedly teaching a method for semantic qualification and contextualization of electronic messages where semantic type qualifiers/information are included in the header within an electronic messages.

The Applicants have carefully reviewed the teachings of Sankar and Karamchedu and respectfully submit that even if one skilled were motivated to combine the teachings of these references, each and every element of the claimed invention would still not be found in the combination thereof. More specifically, the Applicants submit that any “semantic type” information that may be included in a message header of Karamchedu does not enable a receiver to process the content of the message body, as presently claimed. Conversely, any semantic type information that would potentially enable a receiver to process the content of the message body of Karamchedu would instead be included in the body of the message itself.

As discussed more specifically in Karamchedu, “semantic qualifiers” convey a single meaning or compound meanings that may be repeated within a single message or repeated throughout multiple messages to facilitate grouping or categorization of content elements. (Karamchedu, paragraph [0020]) Although such semantic qualifiers are indicated to be applicable to header or body sections of an email message, the qualifiers are nonetheless associated with that portion of the message in which they appear. For

example, in Figure 6a of Karamchedu, the semantic qualifier pair 610a, 610b “SYMPTOM1” that describes the term “nausea” located in the message body 604 is itself located in the message body. Similarly, the semantic qualifier pair 612a, 612b “SYMPTOM2” that describes the term “vomiting” located in the message body 604 is also located in the message body. However, these semantic qualifiers are not shown to be located in the message header 602.

Conversely, a semantic qualifier included in the message header 602, for example, “MESSAGE-ID” is associated with the data “12345@hospital.com” in the message header 602. In other words, the semantic qualifier “MESSAGE-ID” in the message header 602 does not describe at least a portion of the content of the message body 604 so as to enable a receiver to interpret and process the content of the message body 604, as is presently claimed. Were one skilled in the art motivated to include semantic qualifiers in message headers as indicated in Karamchedu with the XML based router as shown in Sankar, the result would be that information needed to interpret and process the content of a SOAP message body would still either have to come from the Sankar hardware and/or the message body of Karamchedu, not from the message header as claimed. Again, any semantic qualifiers included in Karamchedu’s message headers relate to data in the header itself, and not from the message body.

Therefore, because Karamchedu fails to teach or suggest the missing claim elements not taught or suggested in Sankar, the Applicants traverse the each of the applicable §103 rejections of claims 1-5 and 11-20, and respectfully submit that the rejections have been overcome.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 09-0463 maintained by Applicants' attorneys.

Respectfully submitted,
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